

**Washington Borough
Board of Adjustment Minutes
July 26, 2005**

Chairman Eller declared that quorum was present to conduct the meeting in accordance with the 'Open Public Meetings Act'.

Roll Call: Hurley, Schlader, Post, Eller, Mangiacotti, Kramer, Cioni and Semonche – Present 8.

Absent: Nienstedt – Absent: 1

Also Present: Stuart Ours, Esq., Board Attorney
Linda L. Hendershot, Clerk

Chairman Eller led everyone in the flag salute.

MINUTES:

Regular Meeting – June 28, 2005

Chairman Eller entertained additions or corrections to the minutes of the regular meeting held June 28, 2005.

Hearing none, it was moved by Hurley, seconded by Cioni that the minutes of the regular meeting held June 28, 2005 be approved as presented.

Roll Call: Kramer, Hurley, Semonche, Post, Eller and Cioni – Ayes: 7,
Nays: 0, Abstained: Schlader and Mangiacotti.

Motion carried.

RESOLUTIONS:

Case #2005:9 – Erika Williams, 67 Park Avenue

It was moved by Semonche, seconded by Post that the resolution approved at the June meeting be adopted granting permission to Erika Williams to construct a deck on her property.

Roll Call: Kamer, Hurley, Semonche, Post, Cioni and Eller – Ayes: 7,
Nays: 0, Abstained: Schlader and Mangiacotti.

Motion carried.

Case #2005:10 – Rex & Lyn Hartman 251 Belvidere Avenue

It was moved by Post, seconded by Semonche that the resolution approved at the June meeting be adopted granting permission to Rex and Lyn Hartman to replace an existing shed on their property.

Roll Call: Kramer, Hurley, Semonche, Post, Cioni and Eller – Ayes: 7,
Nays: 0, Abstained: Mangiacotti and Schlader.

Motion carried.

Case #2005:11 – Russell Zadlock and Dana Pellettiere, 18 Sunrise Terrace

It was moved by Post, seconded by Hurley that the resolution approved at the June meeting be adopted granting permission to Russell Zadlock and Dana Pellettiere to construct a second story addition to their home.

Roll Call: Eller, Cioni, Post, Semonche, Hurley and Kramer – Ayes: 7,
Nays: 0. Abstained: Mangiacotti and Schlader.

Motion carried.

APPLICATIONS:

Case #2005:12 – Jeffrey & Inger Zabriskie, 125 Railroad Avenue, Washington, NJ, Block. 76.01, Lot 2

This application is filed for the purpose of constructing a third floor addition to the house.

In the Zoning Officer's Refusal of Permit this request is hereby denied for noncompliance with the provisions of Section(s) 94-76 B2 of the Municipal Zoning Ordinance for the following reasons:

There shall be a front yard of not less than 30 feet.

Board members, Charles Post and Ronald Schlader stepped down as they are within 200 feet of the applicant's property.

Attorney Ours reviewed the notices to the property owners and affidavit of service and found the application to be in order. The Board has jurisdiction to proceed.

The Oath was administered to both Mr. & Mrs. Zabriskie.

Mr. & Mrs. Zabriskie testified that they would like to construct an additional third floor to their home for additional living space. The house is a two family but their mother lives on the first floor. The second floor apartment is not large enough to accommodate their needs and they would like to install a third floor. The addition of the third floor will not exceed the height requirement in the Borough's Zoning Ordinance.

The couple testified that their house presently sits only 16'+ feet back from the street which presently violates the 30 feet setback requirement. The addition will not exceed the existing foot print of the house itself. They also testified that there is two other properties on Railroad Avenue which also have a third story, 59 and 71 Railroad Avenue.

Chairman Eller entertained questions or testimony from the audience in regard to this application. There were no audience remarks.

Discussion followed by the Board and Attorney Ours outlined the criteria necessary for the granting of this "C" variance dealing with a pre-existing non-conforming use for the Board's consideration.

It was therefore moved by Hurley, seconded by Semonche that the Board grant this "C" variance noting that this is a pre-existing, non-conforming lot granting the approval of a third story addition to this property, given the fact it will not exceed the existing footprint of the house, this variance can be granted without substantial detriment to the public good, nor will it impair the intent and purpose of the zone plan.

Roll Call: Mangiacotti, Eller, Cioni, Semonche, Hurley and Kramer.
Ayes: 6, Nays: 0.

Motion carried.

Case #2005:13 – Rose Todd, 18 Fisher Avenue, Washington, NJ, Blk. 76, Lot 1

This application is filed for the purpose of rebuilding the family home lost to fire and construct a new single-family dwelling.

In the Zoning Officer's Refusal of Permit this request is hereby denied for noncompliance with the provisions of Section(s) 94-76 B2 of the Municipal Zoning Ordinance for the following reasons:

There shall be a front yard of not less than 30 feet.

Attorney Ours reviewed the notices of service to the property owners and affidavit of service and found the application to be in order. The Board has jurisdiction to proceed.

Attorney Ours administered the Oath to Rose Todd and David Morrow.

Mrs. Todd testified that she lost her family home to a fire and would like to re-build her house. This property is a corner property and has two front yards on O'Shea and Fisher Avenue. The front of the home will face O'Shea Street with a front yard of 12 feet and will also have a front yard on Fisher of 30 feet.

There will be no garage with the house as the two additional rooms where the garage would normally be will be for storage. The previous home has an attic for storage where this home will not have an attic for storage space.

Chairman Eller asked if there was anyone in the audience who had questions or testimony with regard to this application.

Mrs. Edna Detlefs, 27 Fisher Avenue testified that her neighbor's property is very close to this property. She was concerned with the house being too close to the property line. She was not opposed to Mrs. Todd re-building.

After listening to the testimony Mrs. Detlefs was assured that the house would not invade her neighbor's privacy.

The Board discussed the placement of the house and the driveway for parking on the property and requested that Mrs. Todd plant some shrubs on the side of the house which fronts on Fisher Avenue for a more attractive appearance. She agreed to this condition.

Attorney Ours outlined the criteria necessary for the granting of this "C" variance.

It was therefore moved by Semonche, seconded by Hurley that the Board grant a variance to Mrs. Todd for the construction of a house, 45 foot by 26 foot to front on O'Shea Street, conditioned upon her landscaping the side of the house that fronts on Fisher Avenue; this variance being granted because of the unusual size and shape of the lot and the fact that it does front of two street. This variance can be granted without substantial detriment to the public good and it will not impair the intent and purpose of the zone plan.

Roll Call: Mangiaotti, Cioni, Eller, Post, Schlader, Semonche and Hurley –
Ayes: 7, Nays: 0 – Abstained: Kramer.

Motion carried.

Communications

The New Jersey Planner was acknowledged, received and filed.

Hearing no further business to come before the Board, it was moved by Post, seconded by Semonche that the meeting be adjourned at 8:50 PM.

Ayes: 8, Nays: 0.
Motion carried.

Respectfully submitted,

Frank Mangiacotti, Secretary